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THE VAIL CORPORATION

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ANNA GIBSON and ZACHARIAH SAIZ-
HAWES, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

THE VAIL CORPORATION D/B/A VAIL
RESORTS MANAGEMENT COMPANY;
and DOES 1-50, inclusive,

Defendants.

CASE NO. 2:21-cv-01260 WBS DB

**JOINT STATUS REPORT AND REQUEST
TO CONTINUE STATUS CONFERENCE;
ORDER**

**Related to: 2:21-cv-00107 WBS DB
2:21-cv-02251-WBS-DB
2:21-cv-01608 WBS DB**

Complaint Filed: April 20, 2021
District Judge: Hon. William B. Shubb
Courtroom 5, Sacramento
Magistrate Judge: Hon. Deborah Barnes
Courtroom 27, Sacramento

1 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

2 Pursuant to Federal Rules of Civil Procedure 16, 23(e), and 41(a), plaintiffs Anna Gibson
3 and Zachariah Saiz-Hawes (“Plaintiffs”) and defendant THE VAIL CORPORATION DBA VAIL
4 RESORTS MANAGEMENT COMPANY (“Defendant”) (collectively the “Parties”), hereby
5 submit this joint status report regarding the status of the case and settlement approval process in
6 this Action and four other related cases: *Hamilton v. Heavenly Valley, Limited Partnership*, 2:21-
7 cv-01608-WBS-DB (E.D. Cal.) (“*Hamilton I*”); *Hamilton v. Heavenly Valley, Limited Partnership*,
8 SC20210148 (El Dorado County Superior Court) (“*Hamilton II*”); *Roberds v. The Vail*
9 *Corporation et al*, Case No. 2:21-cv-02251-WBS-DB (E.D. Cal.) (“*Roberds*”); and *Heggen v.*
10 *Heavenly Valley Limited Partnership*, 2:21-cv-00107-WBS-DB (“*Heggen*”).

11 WHEREAS, on December 28, 2021, the Parties executed a formal, long-form Settlement
12 Agreement that fully and finally resolves all claims in the Action, pending court approval, as well
13 as claims pled in related cases *Hamilton I*, *Gibson*, *Hamilton II*, and *Roberds* (“the Settlement”);

14 WHEREAS, after considering all final approval papers, all objections to the Settlement, and
15 oral argument from objectors at a hearing on June 17, 2022, the arguments of counsel and other
16 individuals at a final approval hearing on August 19, 2022, the El Dorado County Superior Court
17 entered an Order in the *Hamilton II* action on August 19, 2022 granting Plaintiffs’ Motion for Final
18 Approval of the Settlement (“Final Approval Order”).

19 WHEREAS the Final Approval Order made the following findings concerning the
20 Settlement, which covers the claims in this Action, among others:

- 21 • The Settlement is fair, adequate and reasonable;
- 22 • The distribution of the Notice to effectuate the Settlement has been completed in
- 23 conformance with the El Dorado Superior Court’s February 1, 2022 Order Granting
- 24 Preliminary Approval; the El Dorado Superior Court’s March 8, 2022 Order
- 25 Extending Time to Issue Notice of Class Settlement; and the El Dorado Superior
- 26 Court’s Order Granting Plaintiffs’ Unopposed Ex Parte Application to Permit
- 27 Dissemination of a Supplemental Text Message Notice and to Extend the Response
- 28 Deadline to May 20, 2022;

- 1 • The Notice was adequate, satisfied due process requirements, and was the best
- 2 notice practicable under the circumstances;
- 3 • The Settlement Agreement is binding on all Settlement Class Members who have
- 4 not timely opted out.
- 5 • A Class is certified for settlement purposes only, which is defined as all non-
- 6 exempt employees who at any time during the Covered Period worked for and were
- 7 employed by Vail (including Defendant in this action) in the United States and
- 8 worked primary at one of its resort locations or mountain facilities, with limited
- 9 exclusions.
- 10 • Judgment is entered.
- 11 • El Dorado Superior Court will retain jurisdiction over the Parties to enforce the
- 12 terms of the Judgment pursuant to California Rule of Court 3.769(h);

13 WHEREAS the Settlement provides that Plaintiffs will dismiss this action with prejudice
14 within 28 days after the Final Approval Order becomes a final, non-appealable order;

15 WHEREAS, on or around September 24, 2022, non-parties John Linn and Mark Molina
16 filed a motion to set aside and vacate judgment in *Hamilton II*, which the trial court denied on
17 November 14, 2022;

18 WHEREAS, on December 1, 2022, non-parties filed a notice of appeal concerning the order
19 denying the motion to set aside and vacate judgment in *Hamilton II*;

20 WHEREAS, on March 2, 2023, non-party appellants and the Parties stipulated to extend the
21 appellate briefing schedule in the California Court of Appeal, Third Appellate District Case Nos.
22 C095844 and C097604 as follows: non-party appellants shall have an extension of 60 days to file
23 their Appellants' Opening Brief such that the new deadline is 100 days after the record is filed in
24 Case No. C098604; Respondents Vail and Plaintiffs shall have an extension of 60 days to file their
25 Respondents' Briefs, so that they are due 90 days after Appellants' Opening Brief is filed;

26 WHEREAS, as of today's date, the appellate record has not yet been filed in Case No.
27 C098604;

28 NOW THEREFORE, the Parties hereby jointly request that this Court continue the April

24, 2023 Status Conference for a period of seven (7) months, or November 27, 2023, or as soon thereafter as the Court's calendar permits.

DATED: April 7, 2023

LIU PETERSON-FISHER LLP

By: /s/ Jennifer Liu
Jennifer Liu

Attorneys for Plaintiffs

DATED: April 7, 2023

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

By: /s/ Melis Atalay
Evan R. Moses
Melis Atalay

Attorneys for Defendant
THE VAIL CORPORATION

ORDER


The Court having reviewed the foregoing stipulation, and GOOD CAUSE APPEARING
THEREFORE, the Court orders as follows:

(1) The Parties shall file a Joint Status Report addressing the status of the Settlement
and any additional information that the Court requires, by **November 20, 2023**.

(3) A Status Conference Re Class Action Settlement is set for **December 4, 2023 at
1:30 p.m.**

IT IS SO ORDERED.

Dated: April 10, 2023


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE